

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

Cheryl Besser, individually and on behalf
of all others similarly situated;

Case No. 2:13-cv-11559-BAF-DRG

Plaintiff,

v.

Talmer Bank and Trust,

Defendant.

STIPULATION AND ORDER OF DISMISSAL

Plaintiff Cheryl Besser (“Plaintiff”), and Defendant Talmer Bank and Trust (“Defendant”), by and through their undersigned counsel and pursuant to Fed. R. Civ. P. 41(a)(1)(A) and Fed. R. Civ. P. 23(e), hereby stipulate to the dismissal of this action, with prejudice as to Plaintiff’s individual claims, and without prejudice as to the claims of any alleged class members, and without costs or attorneys’ fees to either party. No class has been certified in this action. Accordingly, class notice and Court approval of the settlement are not required under Fed R. Civ. P. 23(e).

The parties request that the Court retain jurisdiction to interpret and enforce the terms of the Stipulation and Settlement Agreement entered into by the parties.

By: /s/ Gary F. Lynch
Gary F. Lynch, Esquire
Carlson Lynch Ltd
PNC Park
115 Federal Street, Suite 210
Pittsburgh, PA 15212
Email: glynch@carlsonlynch.com
Phone: 412-322-9243
Fax: 412-231-0246
Attorneys for Plaintiff

By: /s/ Louis Theros
Louis Theros
Butzel Long, a professional
corporation
150 W. Jefferson, Suite 100
Detroit, MI 48226
Email: theros@butzel.com
Phone: 313-225-7039
Fax: 313-225-7080
Attorneys for Defendant

ORDER

IT IS HEREBY ORDERED that Plaintiff's individual claims are dismissed with prejudice, and without costs or attorneys' fees to either party, and the claims of any alleged class members are dismissed without prejudice; and

IT IS HEREBY FURTHER ORDERED THAT this Court will retain jurisdiction to interpret and enforce the terms of the Stipulation and Settlement Agreement entered into by the parties.

September 26, 2013

_s/ Bernard A. Friedman_____
U.S. District Court Judge